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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,044	06/04/2002	Chih-Yuan Chen	MTKP0003USA	9776

27765 7590 07/15/2004

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)  
P.O. BOX 506  
MERRIFIELD, VA 22116

EXAMINER
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HINDI, NABIL Z

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/064,044

Applicant(s)

CHEN, CHIH-YUAN

Examiner

NABIL Z HINDI

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Komazaki et al (5841751).

The admitted prior art shows an optical disk reading apparatus having a reflected sub beams from the disk SBAD, obtaining a low frequency component of the sub beams 24, generating a difference signal 22a, 22b, and defect detection signal DEFECT. However the reference does not disclose the use of a holding low frequency signal (capacitor use as shown in fig 5 element 30 of the claimed invention). The secondary reference discloses the use of a capacitor charging and discharging a signal based on a defective signal for the purpose of maintaining normal reproduction operation during a defective detection as shown in fig 3. it would have been obvious to one skilled in the art at the time the invention was made to use the teachings of the secondary reference and modify the system of the admitted prior art. Such modification of using a capacitor as a charging or discharging functionality is well established in the art in order to maintain a normal signal operation in the event of abnormality. Thus it would have been obvious to one skilled in the art at the time the invention was made to use the teachings of the

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secondary reference for the purpose of maintaining a normal reading operation during an abnormal operation.

With respect to the limitations of claims 2 and 9. The secondary reference discloses the use of a capacitor fig 3.

With respect to the limitations of claims 3 and 4, 10, 11 see element SBAD and page 3 first paragraph of the admitted prior art.

With respect to the limitations of claims 5 and 12 see element 24.

With respect to the limitation of claim 13 see elements 22a and 22b.

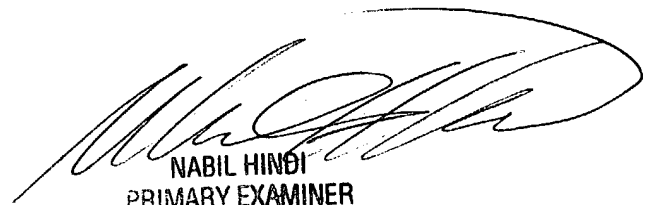
With respect to the limitations of claims 7 and 14. the claim read on a normal reproduction when no defect is detected.

With respect to the limitation of claim 16. see fig 3 of the secondary reference disclosing the use of a switching means in order to control the capacitor based on a defective signal.

With respect to the limitation of claim 17 see element 28.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 5377054.

Any inquiry concerning this communication should be directed to NABIL Z HINDI at telephone number (703) 308-1555.

  
NABIL HINDI  
PRIMARY EXAMINER  
GROUP 2500  
2655

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